

## **REMARKS**

### **Prior art rejections**

The Office Action of April 22, 2004 maintained the rejections from the previous Office Action. In particular, claims 1, 2, 4, 5, 7, 9, 11-18, 20, 21, 23, 25 and 27-32 stand rejected for obviousness over the Sherman and Dichter patents. Claims 3 and 19 stand rejected for obviousness over the Sherman and Dichter patents in view of U.S. Patent No. 6,459,453 to Eichel. Claims 6 and 22 stand rejected for obviousness over the Sherman and Dichter patents in view of U.S. Patent No. 4,887,906 to Koehler. Claims 8 and 24 stand rejected for obviousness over the Sherman and Dichter patents in view of U.S. Patent No. 6,122,391 to Ringland et al. Claims 10 and 26 stand rejected over the Sherman and Dichter patents in view of U.S. Patent No. 5,559,604 to Arai. Claims 33 and 38 stand rejected over the Sherman and Dichter patents in view of U.S. Patent No. 6,563,510 to Rice et al. Finally, claims 34-37 and 39-45 stand rejected over the combination of the teachings of the Sherman, Dichter, Rice and Ringland patents.

### **Interview**

During a telephone interview on May 19, 2004, the undersigned explained the distinctions between the present invention and the system of Sherman. The Examiner acknowledged those distinctions and requested that they be set forth in writing. While the Response dated January 21, 2004 includes a detailed explanation, certain aspects are reiterated below.

### **The claimed invention**

The present invention relates to methods and systems for matching or coordinating decorative products based on color. A decorative product in a first database of products of one type (such as a database of carpets) is matched to a product in another database containing different decorative products (such as wallpaper) based on their respective coordinating colors. Using this carpet-

wallpaper example, the user selects a carpet in the carpet database. That pre-selected carpet is the starting point for the search for matching or coordinating products. The carpet database includes color data for all the carpets in the carpet database. The wallpaper database includes color data for all the wallpaper in the wallpaper database. The color data for the carpet pre-selected by the user is compared to color data for the wallpaper products in the wallpaper database to identify wallpaper that color coordinates with the pre-selected carpet. The user now knows of at least two products that have coordinating colors, a carpet and a wallpaper.

Claim 1 is directed to a method of selecting decorative products based on color. The method of claim 33 is specifically directed to searching for decorative products in databases which includes a database of paint.

Claims 17 and 38 parallel claims 1 and 33, respectively. Claim 17 includes means for determining the color value of at least one selected decorative product in one of the databases. The system of claim 38 coordinates decorative products in a plurality of databases based on color where one of the databases contains data on paint and the other databases contain listings of other decorative products.

#### The Sherman patent

Sherman lacks several features of the claimed invention. First, Sherman does not involve searching for products between multiple product databases. The Sherman system includes a single product database and an image database. The product database contains information regarding the price, manufacturer, color and location on the image database for each product. The image database contains images of each product in the product database. Secondly, Sherman identifies products that meet a set of criteria. No pre-selected product is used as starting point. In fact, a product is the endpoint; not the beginning of the Sherman search. Thirdly, there can be no searching between product

databases since there is only one product database in Sherman. Finally, there is no searching or identifying products of another type by color data.

By way of comparative example, a user of the Sherman system specifies a product type of interest (e.g., carpet) and is provided with a list of characteristics for carpets. The user then chooses one or more of the desired characteristics, such as color (e.g. green). Images of carpets that meet those criteria are displayed on the computer. The Sherman system narrows the set of decorative products in the product database to carpets and narrows the set again to identify green carpets. Images of all green carpets in the product database are displayed.

Sherman provides no consideration to searching based upon a pre-selected decorative product. The Sherman system does not search for products between databases of products; it only creates a single list of products. Sherman does not identify the color data of a pre-selected decorative product and coordinate color based on the identified color data since it is not looking for decorative products that are different than some pre-selected decorative product. There is no consideration given to coordinating products from one database to another database wherein each database contains a certain type of product (such as furniture, wall coverings, paint and the like). Nowhere in Sherman is there any motivation to alter the process and system thereof since it has a very limited goal of identifying products of one type (e.g. carpets) that meet certain criteria.

The secondary references do not account for the failure of the Sherman patent to suggest the claimed methods and systems for identifying color-coordinating products.

### Secondary references

Dichter discloses a process for changing the color and appearance of a computer image to a different color and appearance. There are no databases of existing products and no selection of products. Dichter is limited to a system for designing new products and not for selecting preexisting products based on certain criteria. As such, the teachings of Dichter are not even combinable with those of

Sherman. Eichel only teaches searching design patterns on a computer network, Koehler only teaches use of a spectrophotometer for color selection; Ringland only teaches computerized selection of various decorative products; Arai teaches  $L^*a^*b^*$  color measurements.

None of those disclosures supplement what is lacking in the Sherman and Dichter patents, namely any motivation to modify those disclosures to practice the method and system of the present invention of selecting a decorative product based on a pre-selected product by comparison of color data of that original decorative product to the color data of decorative products in other databases of products. While Rice discloses a method of paint color matching, it also fails to account for the deficiencies in the remaining cited references on the underlying aspect of the present invention, namely the use of multiple databases of decorative products for searching and identifying decorative products which coordinate with the pre-selected products based on the color data of all the decorative products or paint data related to all the decorative products.

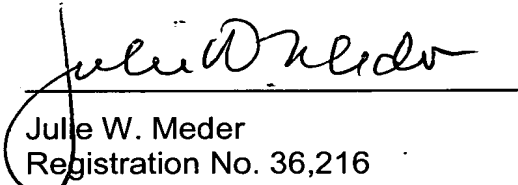
In view of the foregoing, it should now be appreciated that claims 1-45 define over the prior art of record and are in condition for allowance. Reconsideration of the rejections and allowance of claims 1-45 are respectively requested.

Response Under 37 CFR 1.116  
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